1645

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DeWolf et al.

Serial No: 10/089,019

Filed: March 25, 2002

For: *Methods for Making and Using Fatty Acid Synthesis Pathway Reagents*

Atty Docket No.: IPT-062.01

Art Unit: 1645

Examiner: Not yet known

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 22, 2004.

Shirine Darvish

Shirine Darvish

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 (b)(3)**

Sir:

Submitted herewith on Form PTO-1449 is a list of publications known to Applicants and/or their Attorney/Agent in compliance with the requirement of 37 C.F.R § § 1.56 and 1.97(c). A copy of each publicly available document is also being submitted herewith. At least seven documents cited on accompanying Form 1449 contain sequence listings and/or large tables that are more than 50 pages in length. Applicants have submitted paper copies of these documents that do not include these large tables and/or listings. Following 37 C.F.R. 1.52 (e), Applicants have further submitted herewith, on compact disk, the entirety of documents EP 0786519 (3,271 pages), WO 97/30070 (990 pages), WO 01/49721 (380 pages), WO 98/18931 (1,409 pages), WO 98/06734 (640 pages), WO 98/26072 (333 pages) and WO 98/24475 (339 pages). If the Examiner wishes to have full paper copies of these documents, the Examiner should contact the Attorney or Agent of record.

Applicants have cited for the Examiner's consideration certain issued U.S. patents and co-pending U.S. patent applications that are owned at least in part by the assignee of this application,

that describe subject matter related to the present invention. The co-pending applications are listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U. S. patent application numbers on other than Form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

No copies of the co-pending applications have been provided. If the Examiner wishes to have copies of the co-pending applications, Examiner should contact the Attorney or Agent of record. Applicants respectfully request that the Examiner consider these listed documents and indicate that each was considered by making appropriate notations on this Information Disclosure Statement.

| **Examiner Initials** | **Our Docket No.** | **S.N.** | **Title** | **Filing Date** | **Status** | **Document Enclosed** |
|---|---|---|---|---|---|---|
| | IPT-060.01 | 08/790,043 | Polynucleotide Encoding The Enoyl-Acyl Carrier Protein Reductase of Staphylococcus Aureus, Fab I (as Amended) | 28 January 1997 | pending | no |
| | IPT-060.02 | 09/292,411 | FabI | 15 April 1999 | pending | no |
| | IPT-060.03 | 09/292,412 | Polynucleotides Encoding Staphyloccal Fab I Enoyl-Acp Reductase (as Amended) | 15 April 1999<br><br>13 August 2002 | Issued: U.S. Pat. 6,432,670 | yes |
| | IPT-061.01 | 10/009,219 | Methods of Using Fab I and Compounds Modulating Fab I Activity | 4 May 2000 | pending | no |
| | IPT-063.01 | 09/968,129 | Methods of Screening for Fab K Antagonists and Agonists | 1 October 2001 | pending | no |
| | IPT-064.01 | 10/407,028 | Methods of Agonizing and Antagonizing Fab K | 4 April 2003 | pending | no |
| | IPT-065.02 | 10/304,617 | Fab K Variant | 26 November 2002 | pending | no |
| | IPT-066.02 | 10/304,422 | Fab K Variant | 26 November 2002 | pending | no |
| Date Considered: | | | | Examiner's Name: | | |

Applicants have listed dates of publication on the attached Form PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO-1449.

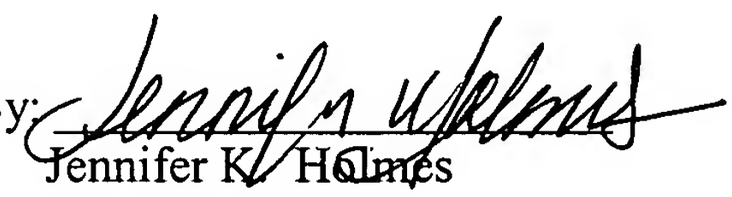
This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Although we believe that we have provided for the fee due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Order Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,

FOLEY HOAG LLP

By: 
Jennifer K. Holmes
Reg. No. 46,778
Agent for Applicants

Dated: January 22, 2004

***Customer No.: 25181***
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600
Telephone: (617) 832-1000
Facsimile: (617) 832-7000

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet 1 of 5

| *Complete if Known* | |
|---|---|
| *Application Number* | 10/089,019 |
| *Filing Date* | March 25, 2002 |
| *First Named Inventor* | Walter E. DeWolf et al. |
| *Art Unit* | 1645 |
| *Examiner Name* | Not yet known |
| *Attorney Docket Number* | IPT-062.01 |

## U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No.[1] | Document Number<br>Number - Kind Code[2] (*if known*) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | AA | US- 5,965,402 | 10.12.99 | Black et al. | |
| | AB | US- 6,228,619 | 05.08.01 | Foster et al. | |
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| | AD | US- 6,380,370 | 04.30.02 | Doucette-Stamm et al. | |
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| | AI | US- 6,613.553 | 09.02.03 | Rock et al. | |
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## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] (*if known*) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| | AJ | DE 26 20 777 | 12.01.77 | | | |
| | AK | JP 10-174590 | 06.30.98 | | | |
| | AL | EP 0 826 774 A2 | 04.03.98 | | | |
| | AM | EP 0 78 6519 A2 | 07.30.97 | | | |
| | AN | WO 97/30070 | 08.21.97 | | | |
| | AO | WO 97/30149 | 08.21.97 | | | |
| | AP | WO 00/70017 | 11.23.00 | | | |
| | AQ | WO 01/30988 | 05.03.01 | | | |
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| | AU | WO 01/70995 | 09.27.01 | | | |
| | AV | WO 98/18931 | 05.07.98 | | | |
| | AW | WO 98/06734 | 02.19.98 | | | |
| | AX | WO 98/26072 | 06.18.98 | | | |
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**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials * | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T [2] |
|---|---|---|---|
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| | AZ | ROCK ET AL., "Lipid Metabolism in Prokaryotes," Biochemistry of Lipids, Lipoproteins and Membranes, Elsevier Publishing Company Amsterdam, 35-74 (1996) | |
| | BA | ROCK ET AL., "Escherichia coli as a model for the regulation of dissociable (type II) fatty acid biosynthesis," Biochimica et Biophysica Acta, 1302:1-16 (1996) | |
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| | BC | GADDA ET AL., "Substrate Specificity of a Nitroalkane-Oxidizing Enzyme," Archives of Biochemistry and Biophysics, 363(2):309-313 (1999) | |
| | BD | McMURRAY ET AL., "Triclosan targets lipid synthesis," Nature, 394:531-532 (1998) | |
| | BE | ROSS ET AL., "Molecular Cloning and Analysis of the Gene Encoding the NADH Oxidase from Streptococcus faecalis 10C1," Journal of Molecular Biology, 227:658-671 (1992) | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
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| *Art Unit* | 1645 |
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|---|---|---|---|
| | BL | HEASLEY ET AL., "Kinetic Mechanism and Substrate Specificity of Nitroalkane Oxidase," Biochemical and Biophysical Research Communication, 225:6-10 (1996) | |
| | BM | HAVARSTEIN ET AL., "An unmodified heptadecapeptide pheromone induces competence for genetic transformation in Streptococcus pneumoniae," Proceedings of the National Academy of Science USA, 92:11140-11144 (1995) | |
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| | BQ | HEATH ET AL., "Broad Spectrum Antimicrobial Biocides Target the FabI Component of Fatty Acid Synthesis," The Journal of Biological Chemistry, 273(46):30316-30320 (1998) | |
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 4 of 5

| *Complete if Known* | |
|---|---|
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| *Filing Date* | March 25, 2002 |
| *First Named Inventor* | Walter E. DeWolf et al. |
| *Art Unit* | 1645 |
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|---|---|---|---|
| | BY | HEATH ET AL., "Inhibition of β-Ketoacyl-Acyl Carrier Protein Synthase III (FabH) by Acyl-Acyl Carrier Protein in Escherichia coli ," The Journal of Biological Chemistry, 271(18):10996-11000 (1996) | |
| | BZ | HEATH ET AL., "Roles of the FabA and FabZ β-Hydroxyacyl-Acyl Carrier Protein Dehydratases in Escherichia coli Fatty Acid Biosynthesis," The Journal of Biological Chemistry, 271(44):27795-27801 (1996) | |
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| | CB | HEATH ET AL., "Regulation of Fatty Acid Elongation and Initiation by Acyl-Acyl Carrier Protein in Escherichia coli," The Journal of Biological Chemistry, 271(4):1833-1836 (1996) | |
| | CC | BUNZOW ET AL., "Cloning and expression of a rat $D_2$ dopamine receptor cDNA," Nature, 336:783-787 (1988) | |
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|---|---|---|---|
| | CL | HEATH ET AL., "Enoyl-Acyl Carrier Protein Reductase (fabI) Plays a Determinant Role in Completing Cycles of Fatty Acid Elongation in Escherichia coli," The Journal of Biological Chemistry, 270(44):26538-26542 (1995). | |
| | CM | LAM ET AL., "Effect of diazaborine derivative (Sa 84.474) on the virulence of Escherichia coli", Journal of Antimicrobial Chemotherapy (1987) 20, pp. 37-45. | |
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| | CO | NGO ET AL., "Computational complexity, protein structure prediction, and the Levinthal paradox", Chapter 14 in 'The Protein Folding Problem and Tertiary Structure Prediction', Merz et al. (eds.), Birkhauser: Boston, MA, pp. 433 & 492-495. | |
| | CP | ROCK ET AL., "Acyl Carrier Protein from Escherichia coli", Methods in Enzymology, 71:341-351 (1981). | |
| | CQ | TURNOWSKY ET AL., "envM genes of Salmonella typhimurium and Escherichia coli", Journal of Bacteriology, Dec. 1989 pp. 6555-6565. | |
| | CR | ANON., "Triclosan-resistant Enzyme," (17 Jul 2000) Chemical & Engineering News, 78(29):39 | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.
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